

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KARRIE L. BAAB,	:	
	:	
Plaintiff,	:	Case No. 3:10cv0136
	:	
vs.	:	
	:	District Judge Thomas M. Rose
MICHAEL J. ASTRUE,	:	Magistrate Judge Sharon L. Ovington
Commissioner of the Social	:	
Security Administration,	:	
	:	
Defendant.	:	

REPORT AND RECOMMENDATIONS¹

This matter is before the Court following an Order to Show Cause entered on August 11, 2010 (Doc. #5), which directed Plaintiff to show cause on or before August 25, 2010, why her case should not be dismissed for lack of prosecution in accordance with Fed. R. Civ. P. 41(b). *See also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962).

¹Attached hereto is NOTICE to the parties regarding objections to this Report and Recommendations.

Despite that Order, as of this date Plaintiff has not returned a summons or proof of service to the Clerk of this Court, nor has she otherwise responded to the Order to Show Cause.

IT THEREFORE IS RECOMMENDED THAT:

1. Plaintiff's complaint be DISMISSED without prejudice for failure to prosecute; and
2. The case be TERMINATED on the docket of this Court.

August 27, 2010

s/Sharon L. Ovington
Sharon L. Ovington
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen [14] days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen [17] days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen [14] days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981).